

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)

Plaintiff,)

V.)

CASEY L. BROWN,)

Defendant.)

4:01CR3027

MEMORANDUM AND ORDER

This matter is before the court on a notice of appeal filed by the defendant on October 12, 2010 ([filing 141](#)), and on a memorandum from the clerk of the court regarding the defendant's ability to proceed in forma pauperis on appeal ([filing 142](#)). The appeal concerns an order that was entered by this court on September 17, 2010 ([filing 140](#)), denying the defendant's motion "for post conviction relief from judgment pursuant to 60(b) of the Fed. R. Civ. P." ([filing 137](#)) and application to proceed in forma pauperis ([filing 138](#)).

As stated in this court's September 17, 2010 order, the defendant's motion for post conviction relief ([filing 137](#)) is clearly frivolous. This being the case, it is equally evident that the defendant's present appeal is not taken in good faith. Thus, the defendant is not permitted to proceed in forma pauperis.

Accordingly,

IT IS ORDERED that:

1. The defendant's notice of appeal ([filing 141](#)) is denied as the appeal is not taken in good faith;

2. The clerk of the court shall not process an appeal to the United States Court of Appeals for the Eighth Circuit on the basis of the aforesaid filing by the defendant;
3. The defendant is not permitted to proceed in forma pauperis on appeal;
4. The clerk of the court shall forward a copy of this memorandum and order to the Clerk of the United States Court of Appeals for the Eighth Circuit.

October 28, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge